

AMENDED IN ASSEMBLY AUGUST 29, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 15, 2011

**SENATE BILL**

**No. 250**

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**Introduced by Senator Rubio**

February 10, 2011

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~~An act to amend Section 21086 of the Public Resources Code, relating to environmental quality. An act to add Section 85320.5 to the Water Code, relating to the Sacramento-San Joaquin Delta.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 250, as amended, Rubio. ~~Environment quality: CEQA: categorical exemptions: addition and deletion. Sacramento-San Joaquin Delta: Delta Plan: conveyance facility.~~

*Existing law imposes requirements on the Department of Water Resources in connection with the preparation of a Bay Delta Conservation Plan (BDCP).*

*The Sacramento-San Joaquin Delta Reform Act of 2009 requires the Delta Stewardship Council to consider the BDCP for inclusion in a specified Delta Plan, and requires the incorporation of the BDCP into the Delta Plan if the BDCP meets certain requirements, including a requirement that the BDCP include a comprehensive review and analysis of a range of Delta conveyance alternatives, including through-Delta, dual conveyance, and isolated conveyance alternatives and capacity and design options of specified canals and pipelines.*

*This bill would require that the department's development of certain Delta conveyance facilities be completed on or before February 15,*

2013, and would require that the construction of those facilities be completed by December 31, 2025.

~~The California Environmental Quality Act requires the Office of Planning and Research to adopt guidelines that include criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment and a list of classes of projects that are exempted from the act's requirements. The act establishes procedures for the certification and adoption of the guidelines. The act authorizes a public agency to request, in writing, the addition or deletion of a class of projects to the list. The office is required to review each request and, as soon as possible, submit its recommendation to the Secretary of the Natural Resources Agency.~~

~~This bill would make technical, nonsubstantive changes to the provision regarding the addition or deletion of a class of projects.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) California's water system is antiquated and straining to
- 4     meet the needs of its residents, farms, businesses, and environment.
- 5     Designed more than 50 years ago to serve a population of 16
- 6     million residents, the state's major water infrastructure now serves
- 7     more than 36 million residents. California must upgrade the way
- 8     it moves its water while making the necessary investment to
- 9     improve habitat in the Sacramento-San Joaquin Delta.
- 10    (b) The Department of Water Resources is authorized to
- 11    construct, operate, and maintain the State Water Resources
- 12    Development System and the Feather River Project, commonly
- 13    known as the State Water Project.
- 14    (c) Seismologists predict a 66-percent probability of an
- 15    earthquake of greater than 6.5 magnitude by 2032. Experts have
- 16    concluded that a major earthquake in the Delta could cause
- 17    multiple levee failures, destroy local habitat and the economy, and
- 18    cut off water supplies to the 25 million Californians that live in
- 19    areas served with water conveyed through the Delta. Improving
- 20    conveyance in the Delta would protect against these possible
- 21    disasters.

(d) Existing state policy is to improve the water conveyance system in the Sacramento-San Joaquin Delta. The Sacramento-San Joaquin Delta Reform Act of 2009 requires the Delta Stewardship Council to incorporate the Bay Delta Conservation Plan (BDCP) into the Delta Plan if the BDCP meets certain requirements, including a requirement that the BDCP include a comprehensive review and analysis of a range of Delta conveyance alternatives, including through-Delta, dual conveyance, and isolated conveyance alternatives and capacity and design options of specified canals and pipelines.

SEC. 2. Section 85320.5 is added to the Water Code, to read:  
85320.5. The department's development of Delta conveyance facilities, including facilities developed as part of the Bay Delta Conservation Plan process or any other appropriate planning process, and pursuant to this chapter, shall be completed on or before February 15, 2013, and the construction of the facilities shall be completed by December 31, 2025.

~~SECTION 1. Section 21086 of the Public Resources Code is amended to read:~~

~~21086. (a) A public agency may, at any time, request the addition or deletion of a class of projects, to the list designated pursuant to Section 21084. That request shall be made in writing to the Office of Planning and Research and shall include information supporting the public agency's position that the class of projects does, or does not, have a significant effect on the environment.~~

~~(b) The Office of Planning and Research shall review each request and, as soon as possible, shall submit its recommendation to the Secretary of the Natural Resources Agency pursuant to Sections 21083 and 21084. Following the receipt of that recommendation, the Secretary of the Natural Resources Agency may add or delete the class of projects to the list of classes of projects designated pursuant to Section 21084 that are exempt from the requirements of this division.~~

~~(c) The addition or deletion of a class of projects, as provided in this section, to the list specified in Section 21084 shall constitute an amendment to the guidelines adopted pursuant to Section 21083~~

- 1 and shall be adopted in the manner prescribed in Sections 21083
- 2 and 21084.

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